

S/N 10/552841

In response to the Office Action dated 04/10/2009

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

Claim 1 has been amended as supported, for example, by FIGS. 15A to 15D. Claims 3-6, 9-10, and 12 have been added editorially and to further clarify the features. Claim 27 has been added. Claim 27 sets forth an additional feature of an invariable fixed angle between the first and second link arms. This additional feature is supported for example, by FIGS. 4 and 5. No new matter is added.

### Specification

The Abstract has been replaced to comply with the proper language and format for an abstract of the disclosure. Applicants respectfully request that the objection be withdrawn.

### 35 USC § 102 Rejections

Claims 1-2, 6-10, 12-19, 21-22 and 24-26 are rejected under 35 USC 102(b) as being anticipated by List (US 2003/0028126). Applicants respectfully traverse the rejection.

Claims 1-4, 6-11, 14-18, 20 and 24 are rejected under 35 USC 102(e) as being anticipated by Garthe et al. (US 2003/0225429). Applicants respectfully traverse the rejection.

Claim 1 is directed to a lancing apparatus that comprises a movement conversion means for converting the reciprocal movement of the first member into the reciprocal movement of the second member in a manner such that a directional change of movement of the second member from the lancing direction to the retreating direction is performed during a one-way stroke of the first member in one of the lancing direction and the retreating direction. By way of illustrative example, in FIGS. 15A to 15D, the second member 32 is shown to change in its direction of movement from the lancing direction N1 to the retreating direction N2 during a one-way stroke of the first member 31 in one

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of the lancing direction and the retreating direction (as shown in FIGS. 15C to 15D to 15A, in this order).

List discloses a first member 20, a second member 4, and a pair of link arms 12, 13 that connect the first member 20 and second member 4 (Figures 1a-1d). However, a direction change of the second member 4 from the lancing direction to the retreating direction occurs only when the first member 20 assumes its lower limit position (as shown in Figures 1c to 1d to 1a, in this order). Therefore, List does not teach or suggest the features of claim 1 and the rejection should be withdrawn.

Claims 2, 6-10, 12-19, 21-22 and 24-26 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Garthe discloses a blood withdrawal system that includes a mass 60, a rotatable guide sleeve 51 having cam grooves 52, 53 and a lancet holder 40 (Figures 4A-4C). When the guide sleeve 51 rotates, the mass 60 and the lancet holder 40 reciprocate in accordance with the profiles of the respective cam grooves 52, 53. Therefore, the reciprocal movement of the mass 60 is not converted into the reciprocal movement of the lancet holder 40 because the lancet holder 40 can reciprocate even if the mass 60 is eliminated. Thus, Garthe fails to teach or suggest the movement conversion means of claim 1 and the rejection should be withdrawn.

Claims 2-4, 6-11, 14-18, 20 and 24 are allowable at least by virtue of their dependence on independent claim 1 or intervening dependent claims. The rejection of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

### 35 USC § 103 Rejections

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garthe et al. (US 2003/0225429). Applicants respectfully traverse this rejection.

Claim 5 is allowable at least by virtue of its dependence on independent claim 1. The rejection of this dependent claim should be withdrawn. Applicants do not concede the correctness of the rejection.

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Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over List (US 2003/0028126). Applicants respectfully traverse this rejection.

Claim 23 is allowable at least by virtue of its dependence on independent claim 1 or intervening dependent claims. The rejection of this dependent claim should be withdrawn. Applicants do not concede the correctness of the rejection.

New Claim

New independent claim 27 has been added to set forth a lancing apparatus where the movement conversion mechanism includes a first link arm connected to the first member, and a second link arm connected to the first link arm at a fixed angle and to the second member. The angle between the first and second link arms is invariable regardless of the positions of the first and second members (FIGS. 4 and 5).

In List, the two link arms 12, 13 pivot relative to each other, so that the angle between the two link arms is constantly variable.

Garthe fails to teach or suggest a link arm.

Applicants respectfully request that this new claim be entered and allowed.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

**52835**

PATENT TRADEMARK OFFICE

Dated: October 8, 2009

Respectfully submitted,

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